



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(October 14, 2014 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-14-32 (Jennifer Whipker-Davis)
Staff: Ashley Klingler
Hearing Officer: Jeff Bergman

Applicant: Jennifer Whipker-Davis
Property Size: 12000 sq. ft.
Current Zoning: RE (Residential: Established)
Location: 216 N Brooks St., in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 7.3(C)(3)(b) is for the purpose of allowing two separate access drives on the same lot. The applicant is vacating a lot line, which will result in the house and accessory garage, each of which has their own driveway, to be on the same property. Therefore, there will be two existing driveways on one lot.

Preliminary Hearing Officer Decision:

Approval. The two driveways currently exist. The changing of the lot line does not change how the site is to be used.

Zoning Ordinance Considerations:

District Intent: The intent of the (RE Residential: Established) zoning district is as follows: to ensure the continued viability of neighborhoods and developments in existence on the effective date of this ordinance. This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan.

Development Standards: Zoning Ordinance Section 7.3(C)(3)(b) states that all properties occupied by a single-family residential use shall be permitted one access.

Current Property Information:	
Land Use:	Single Family Residential
Site Features:	Two existing drives, one to the attached garage and one to the detached garage
Flood Hazards:	No flood hazards present

Vehicle Access:	Brooks St. (Local, Urban, Residential)
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Single Family Residential
South:	RE (Residential: Established)	Single Family Residential
East:	RE (Residential: Established)	Single Family Residential
West:	RE (Residential: Established)	Single Family Residential

Interdepartmental Review:	
City Fire:	No concerns.
City Engineering:	No outstanding comments.
City Utilities:	No comments received.
MPO:	No comments received.
Parks and Recreation:	No comments received.
Health Department:	No comments received.
Duke Energy:	No comments received.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. There will be no new construction of drives. Both driveways currently exist on separate lots, but a proposed Administrative Subdivision to remove lot lines will result in two access drives on one lot. This is one more than permitted by the Zoning Ordinance. The existing house with an attached garage and the detached garage are currently used as a single property.
2. The distance between these drives and other local drives is not compliant to a required separation of 50 feet per Zoning Ordinance Section 7.3(C)(3)(b). However, the driveways already exist, and therefore the separation is legally nonconforming.
3. Zoning Ordinance Section 7.3(C)(3)(b) states a single-family residential property is permitted a second entrance for the purpose of providing a circular drive, provided that the two access points are separated by a minimum of 50 ft. However, these driveways could not be combined into a legal circular drive because they are only 39 feet apart.

4. The material of the south driveway is gravel which is not compliant with the required paving material per Zoning Ordinance Section 7.2(Part 3)(A)(1). However, the driveway already exists, and therefore the pavement material is legally nonconforming.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Hearing Officer may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: Moving the property line does not affect the way the site is being used by the applicant. The driveways will be used in a similar way. There will be no injury to the public health, safety, morals, and general welfare of the community. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: Moving the property line does not affect the way the site is being used by the applicant. The driveways will be used in a similar way. The variance will not adversely affect the area adjacent to the property. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The property owner is removing the interior lot lines to avoid a line through the house, and to allow the accessory structure and primary structure to be on the same property. A lot is not supposed to have a secondary structure before a primary. The applicant is resolving an issue contradicting the Zoning Ordinance. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.